

HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 476 by Representative Connick

CRIME/SEX OFFENSES: Provides relative to the protection of children

Synopsis of Senate Amendments

1. Redefines the crime of unlawful presence of a sex offender by making proposed law listing of prohibited locations applicable only to sex offenders who are convicted of an aggravated offense.

Digest of Bill as Finally Passed by Senate

Present law (R.S. 14:81.4) prohibits sexual conduct between educator and student when the student is 17 years of age or older, but less than 19 years.

Proposed law amends present law to apply to students who are 17 years of age or older, but less than 21 years, where there is an age difference of greater than four years and clarifies that such provision applies only to secondary schools.

Present law (R.S. 14:91.1) prohibits sexually violent predators from residing within 1000 ft. of a school, day care facility, playground, public or private youth center, public swimming pool, or free standing video arcade.

Proposed law retains present law and adds child care facilities, group homes, residential homes, and family child day care homes.

Present law (R.S. 14:91.2) prohibits sex offenders from residing, or being physically present, within 1000 ft. of a school, public park, or recreational facility.

Proposed law retains present law and adds the following acts, when committed by a person convicted of certain aggravated offenses when the victim is under the age of 13 years:

- (1) The physical presence of the offender in, on, or within 1000 ft. of a day care center, group home, residential home, or child care facility, or a family child day care home as defined.
- (2) The establishment of a residence within 1000 ft. of any day care center, group home, residential home, or child care facility, a family child day care home, playground, public or private youth center, public swimming pool, or free standing video arcade facility.

Proposed law (R.S. 14:91.3) creates the crime of unlawful participation in a child-related business. Prohibits convicted sex offenders whose offense involved a person under the age of 13 from owning, operating, or participating in the governance of those child care facilities or family child day care homes. Provides for the following criminal penalties: a fine of up to \$1,000, imprisonment with or without hard labor up to one year, or both.

Proposed law (R.S. 14:91.4) creates the crime of contributing to the endangerment of a minor, which includes:

- (1) The employment of a sex offender in a day care center, residential home, community home, group home child care facility, or family child day care home.
- (2) The permitting of a sex offender to have physical access to a day care center, residential home, community home, group home child care facility, or family child

day care home.

Provides for the following criminal penalties: a fine of up to \$1,000, imprisonment up to six months, or both.

Present law (R.S. 15:538) provides that sex offenders shall not be eligible for parole, unless as a condition thereof, the offender is prohibited from engaging in business or volunteer activities which would require the offender to engage in a significant amount of direct contact with children.

Proposed law retains present law with regard to business activities. Amends restrictions on volunteer activities by prohibiting sex offenders from volunteering where goods, services, instruction, or care will be provided to minor children or where the offender will engage in direct contact with children. When the volunteer activity does not require the offender to engage in such contact with minor children due to the nature of the volunteer activity, the sex offender shall nonetheless provide notice to the officer or director of the volunteer organization of his status as a convicted sex offender prior to engaging in any volunteer work activity with the organization. Provides for a limitation of liability for the organization, or any officer and director thereof, for failure to comply with proposed law.

Present law provides that sex offenders shall not be eligible for parole, unless as a condition thereof, the offender is prohibited from residing or being physically present within 1000 ft. of a day care facility, playground, public or private youth center, public swimming pool, or free-standing video arcade.

Proposed law retains present law except that it amends definitions of "day care facility" to "day care center" and adds "child care facilities", "group homes", "residential homes", and "family child day care homes".

(Amends R.S. 14:81.4(A), (B)(2), and (4), and (E)(1), 91.1(A)(2), 91.2(B), (C) and (D), and R.S. 15:538(A), (D)(1)(b) and (c), and (6)(b) and (c); Adds R.S. 14:91.2(E), 91.3 and 91.4)